

### **DETAILED ACTION**

This Office Action corresponds to application 10/737,341 filed 12/16/2003.

### **Status of the Claims**

Claims 1, 7, 8, 14, 15 and 21, now renumbered claims 1-6 are allowed.

### **35 USC § 101**

In accordance with 35 U.S.C. 101, the system described therein to claim 8 and depending claim 14 including hardware now defines the claims as statutory subject matter. In particular, as the computer included in the claimed system contains a combination of hardware *and* software (thus necessitating hardware) and further comprises specialized hardware (see paragraph 0043 and page 13 of the disclosure), that the system claims necessary structural elements to be realized as a hardware system and not software per se.

In accordance with 35 U.S.C. 101, as indicated below, claim 15 now recites a storage medium and thus is best interpreted as statutory subject matter that precludes the use of transmission media. Specifically, the storage media defined therein (see paragraph 0035, pages 10-11 of the present disclosure) pertains to magnetic media, optical media, RAM, and ROM and NOT transmission media.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney for Applicant, John Merecki (Reg. No 35,812) on 18 July 2008.

The application has been amended as follows (i.e. claim 15 has been amended while the other allowed claims remain in the form submitted 5/13/2008)

Claim 15. A program product stored on a recordable storage medium for preventing an unread activity associated with a read/unread status of an email from being bounced-back to an originating server during a replication operation, which when executed on a computer system comprises:

program code for storing an identification of an originating server of a replicated unread activity in an unread log of a receiving server;

program code for preventing replication of the unread activity back to the originating server, during a subsequent replication process initiated by the receiving server;

program code for replicating the unread activity to at least one other server not identified as the originating server, during the subsequent replication process;

wherein the program code for storing an identification further comprises program code for updating the unread log to include an unread entry corresponding to the replicated unread activity, and program code for storing the identification of the originating server with the unread entry;

wherein the program code for preventing the replication of the unread activity back to the originating server further comprises program code for examining the unread log to determine if any unread entries stored therein correspond to an unread activity received from the originating server, and program code for preventing replication of any unread activity the examining program code has identified as being received from the originating server back to the originating server, during the subsequent replication process;

wherein the originating server has a name, and wherein the identification is a hash of the name of the originating server; and

wherein the receiving server further includes program code for replicating the unread activity to the other server and back to the originating server during the subsequent replication process, if another server has the same hash as the originating server.

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

The closest prior art that is found (i.e. Stickler et al. (U.S. Patent 6,122,630) and Benson (U.S. Patent 5,819,272) and of record does not explicitly or expressly recite or

reasonably construe the limitation(s) wherein the originating server has a name, and wherein the identification is a hash of the name of the originating server; and wherein the receiving server further includes program code for replicating the unread activity to the other server and back to the originating server during the subsequent replication process, if another server has the same hash as the originating server in combination with the recited elements.

As these limitations are found substantially in the independent claims and appear novel to the Examiner, the claims are thus allowed for at least this reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT TIMBLIN whose telephone number is (571)272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/  
Examiner, Art Unit 2167

/John R. Cottingham/  
Supervisory Patent Examiner, Art Unit 2167